

HOUSE _____ AMENDMENT NO. ____

Offered By

AMEND House Committee Substitute No. 2 for Senate Bill No. 976, Page 192, Section 537.675,
Line 75, by inserting immediately after all of said line the following:

"538.205. As used in sections 538.205 to [538.230] 538.305, the following terms shall
mean:

(1) "Economic damages", damages arising from pecuniary harm including, without
limitation, medical damages, and those damages arising from lost wages and lost earning capacity;

(2) "Equitable share", the share of a person or entity in an obligation that is the same
percentage of the total obligation as the person's or entity's allocated share of the total fault, as
found by the trier of fact;

(3) "Future damages", damages that the trier of fact finds will accrue after the damages
findings are made;

(4) "Health care provider", any physician, hospital, health maintenance organization,
ambulatory surgical center, long-term care facility including those licensed under chapter 198,
RSMo, dentist, registered or licensed practical nurse, optometrist, podiatrist, pharmacist,
chiropractor, professional physical therapist, psychologist, physician-in-training, and any other
person or entity that provides health care services under the authority of a license or certificate;

Action Taken _____

Date _____

1 except that, health care provider does not include a person, hospital, or abortion facility if the act
2 that is the subject of the claim for damages involved the performance or inducement of an
3 abortion, except for medical emergencies, as the terms abortion, abortion facility, and medical
4 emergency are defined in section 188.015, RSMo;

5 (5) "Health care services", any services that a health care provider renders to a patient in
6 the ordinary course of the health care provider's profession or, if the health care provider is an
7 institution, in the ordinary course of furthering the purposes for which the institution is organized.
8 Professional services shall include, but are not limited to, transfer to a patient of goods or services
9 incidental or pursuant to the practice of the health care provider's profession or in furtherance of
10 the purposes for which an institutional health care provider is organized; except that, health care
11 services does not include the performance or inducement of an abortion, except for a medical
12 emergency, as those terms are defined in section 188.015, RSMo;

13 (6) "Medical damages", damages arising from reasonable expenses for necessary drugs,
14 therapy, and medical, surgical, nursing, x-ray, dental, custodial and other health and rehabilitative
15 services;

16 (7) "Noneconomic damages", damages arising from nonpecuniary harm including,
17 without limitation, pain, suffering, mental anguish, inconvenience, physical impairment,
18 disfigurement, loss of capacity to enjoy life, and loss of consortium but shall not include punitive
19 damages;

20 (8) "Past damages", damages that have accrued when the damages findings are made;

21 (9) "Physician employee", any person or entity who works for hospitals for a salary or
22 under contract and who is covered by a policy of insurance or self-insurance by a hospital for acts
23 performed at the direction or under control of the hospital;

24 (10) "Punitive damages", damages intended to punish or deter willful, wanton or

Action Taken _____

Date _____

malicious misconduct, including exemplary damages and damages for aggravating circumstances;

(11) "Self-insurance", a formal or informal plan of self-insurance or no insurance of any kind.

538.240. Under the policy and laws of the state of Missouri favoring childbirth over abortion and to regulate abortion to the greatest extent allowed by law, the general assembly declares that the protections from certain liabilities afforded health care providers under sections 538.205 to 538.305 shall not apply to persons, hospitals, and abortion facilities if and when engaged in the performance or inducement of abortion, except in the case of a medical emergency as the term is defined in section 188.015, RSMo."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Item	Item Description	Item Location	Item Status	Action Taken
1	Item 1 Description	Item 1 Location	Item 1 Status	Action Taken 1
2	Item 2 Description	Item 2 Location	Item 2 Status	Action Taken 2
3	Item 3 Description	Item 3 Location	Item 3 Status	Action Taken 3
4	Item 4 Description	Item 4 Location	Item 4 Status	Action Taken 4
5	Item 5 Description	Item 5 Location	Item 5 Status	Action Taken 5
6	Item 6 Description	Item 6 Location	Item 6 Status	Action Taken 6
7	Item 7 Description	Item 7 Location	Item 7 Status	Action Taken 7
8	Item 8 Description	Item 8 Location	Item 8 Status	Action Taken 8
9	Item 9 Description	Item 9 Location	Item 9 Status	Action Taken 9
10	Item 10 Description	Item 10 Location	Item 10 Status	Action Taken 10
11	Item 11 Description	Item 11 Location	Item 11 Status	Action Taken 11
12	Item 12 Description	Item 12 Location	Item 12 Status	Action Taken 12
13	Item 13 Description	Item 13 Location	Item 13 Status	Action Taken 13
14	Item 14 Description	Item 14 Location	Item 14 Status	Action Taken 14
15	Item 15 Description	Item 15 Location	Item 15 Status	Action Taken 15
16	Item 16 Description	Item 16 Location	Item 16 Status	Action Taken 16
17	Item 17 Description	Item 17 Location	Item 17 Status	Action Taken 17
18	Item 18 Description	Item 18 Location	Item 18 Status	Action Taken 18
19	Item 19 Description	Item 19 Location	Item 19 Status	Action Taken 19
20	Item 20 Description	Item 20 Location	Item 20 Status	Action Taken 20
21	Item 21 Description	Item 21 Location	Item 21 Status	Action Taken 21
22	Item 22 Description	Item 22 Location	Item 22 Status	Action Taken 22
23	Item 23 Description	Item 23 Location	Item 23 Status	Action Taken 23
24	Item 24 Description	Item 24 Location	Item 24 Status	Action Taken 24
25	Item 25 Description	Item 25 Location	Item 25 Status	Action Taken 25
26	Item 26 Description	Item 26 Location	Item 26 Status	Action Taken 26
27	Item 27 Description	Item 27 Location	Item 27 Status	Action Taken 27
28	Item 28 Description	Item 28 Location	Item 28 Status	Action Taken 28
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32	Item 32 Description	Item 32 Location	Item 32 Status	Action Taken 32
33	Item 33 Description	Item 33 Location	Item 33 Status	Action Taken 33
34	Item 34 Description	Item 34 Location	Item 34 Status	Action Taken 34
35	Item 35 Description	Item 35 Location	Item 35 Status	Action Taken 35
36	Item 36 Description	Item 36 Location	Item 36 Status	Action Taken 36
37	Item 37 Description	Item 37 Location	Item 37 Status	Action Taken 37
38	Item 38 Description	Item 38 Location	Item 38 Status	Action Taken 38
39	Item 39 Description	Item 39 Location	Item 39 Status	Action Taken 39
40	Item 40 Description	Item 40 Location	Item 40 Status	Action Taken 40
41	Item 41 Description	Item 41 Location	Item 41 Status	Action Taken 41
42	Item 42 Description	Item 42 Location	Item 42 Status	Action Taken 42
43	Item 43 Description	Item 43 Location	Item 43 Status	Action Taken 43
44	Item 44 Description	Item 44 Location	Item 44 Status	Action Taken 44
45	Item 45 Description	Item 45 Location	Item 45 Status	Action Taken 45
46	Item 46 Description	Item 46 Location	Item 46 Status	Action Taken 46
47	Item 47 Description	Item 47 Location	Item 47 Status	Action Taken 47
48	Item 48 Description	Item 48 Location	Item 48 Status	Action Taken 48
49	Item 49 Description	Item 49 Location	Item 49 Status	Action Taken 49
50	Item 50 Description	Item 50 Location	Item 50 Status	Action Taken 50
51	Item 51 Description	Item 51 Location	Item 51 Status	Action Taken 51
52	Item 52 Description	Item 52 Location	Item 52 Status	Action Taken 52
53	Item 53 Description	Item 53 Location	Item 53 Status	Action Taken 53
54	Item 54 Description	Item 54 Location	Item 54 Status	Action Taken 54
55	Item 55 Description	Item 55 Location	Item 55 Status	Action Taken 55
56	Item 56 Description	Item 56 Location	Item 56 Status	Action Taken 56
57	Item 57 Description	Item 57 Location	Item 57 Status	Action Taken 57
58	Item 58 Description	Item 58 Location	Item 58 Status	Action Taken 58
59	Item 59 Description	Item 59 Location	Item 59 Status	Action Taken 59
60	Item 60 Description	Item 60 Location	Item 60 Status	Action Taken 60
61	Item 61 Description	Item 61 Location	Item 61 Status	Action Taken 61
62	Item 62 Description	Item 62 Location	Item 62 Status	Action Taken 62
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64	Item 64 Description	Item 64 Location	Item 64 Status	Action Taken 64
65	Item 65 Description	Item 65 Location	Item 65 Status	Action Taken 65
66	Item 66 Description	Item 66 Location	Item 66 Status	Action Taken 66
67	Item 67 Description	Item 67 Location	Item 67 Status	Action Taken 67
68	Item 68 Description	Item 68 Location	Item 68 Status	Action Taken 68
69	Item 69 Description	Item 69 Location	Item 69 Status	Action Taken 69
70	Item 70 Description	Item 70 Location	Item 70 Status	Action Taken 70
71	Item 71 Description			

Date _____